

BORA LASKIN LAW LIBRARY

3 1761 06081917 4



UNIVERSITY OF TORONTO
FACULTY OF LAW

ADMINISTRATIVE LAW

Spring Semester 2012

Markus Dubber

Volume 1

Storage

KE
5015
.D83
2012
v.1
c.1

Faculty of Law
University of Toronto

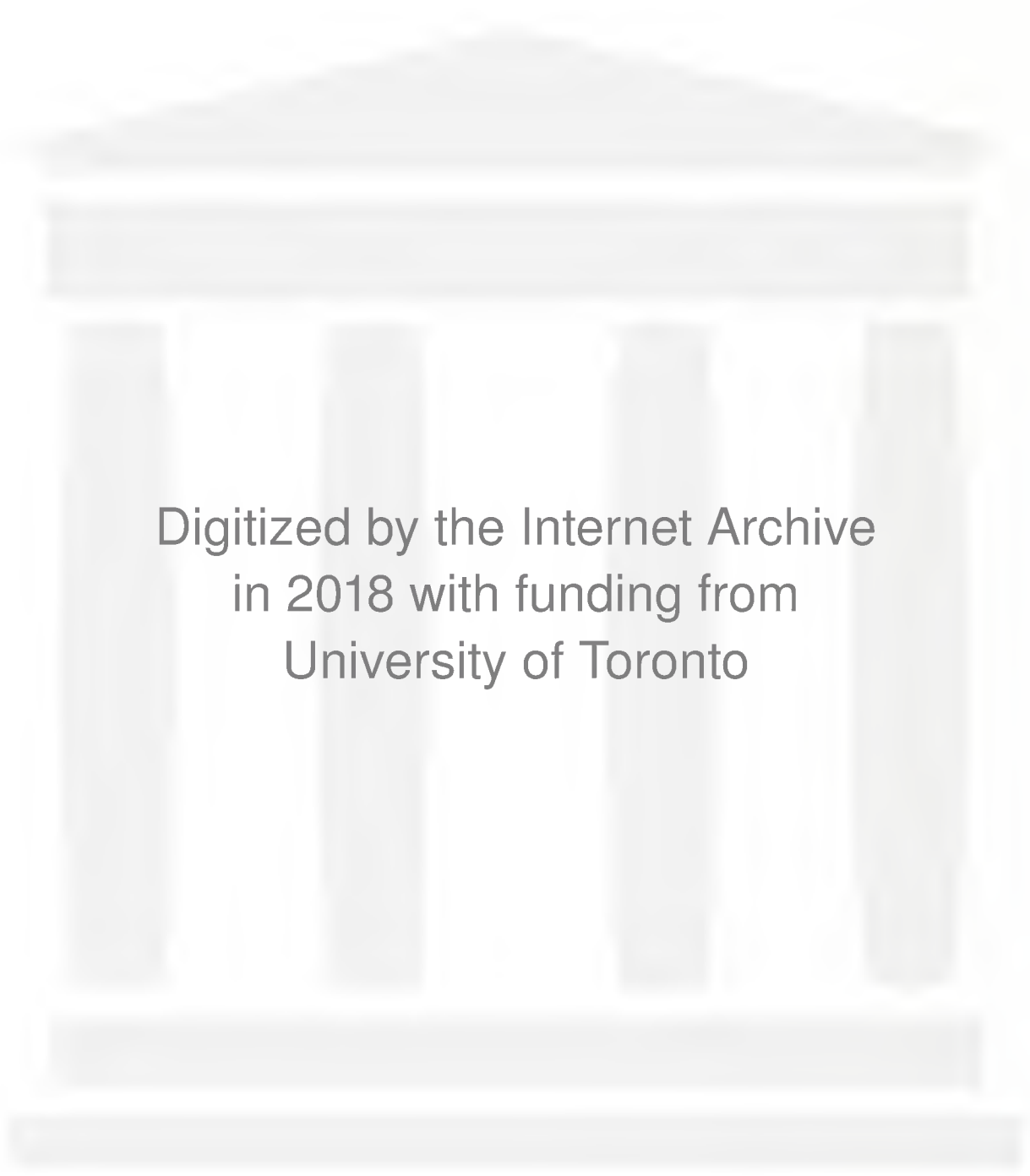
ADMINISTRATIVE LAW

Spring Semester 2012

Markus Dubber

Volume 1

Faculty of Law
University of Toronto



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

<https://archive.org/details/administrativa01dubb>

ADMINISTRATIVE LAW
SPRING 2012
Markus Dubber

Table of Contents – Volume 1

1. Introduction and Focus

(a) Introduction

<i>Willis, "Three Approaches to Administrative Law"</i>	1
<i>Law Reform Commission of Canada, "Independent Administrative Agencies"</i>	30
<i>Mullan, "What is Administrative Law?"</i>	55
<i>Flood, "An Introduction to (the Effervescence of) Administrative Law"</i>	57
<i>Dubber, "Law and Police"</i> *	
<i>Mannori & Sordi, "Science of Administration and Administrative Law"</i> *	
<i>Rousseau, Blackstone, Cyclopaedia of Political Science</i> *	
<i>Dubber, "Public and Private Law as Species of Law"</i> *	
<i>Horwitz, "The History of the Public/Private Distinction"</i> *	
<i>BC Administrative Law Directory</i> *	
<i>Goldilocks</i> *	

(b) Focus

<i>Ontario Compensation for Victims of Crime Act, R.S.O. 1990, Chapter C.24</i>	80
<i>McMurtry, Report on Financial Assistance for Victims of Violent Crime in Ontario</i>	91
<i>R. v. Cuerrier (snapshot)</i>	108
<i>N.C. v. W.R.B.</i>	110
<i>Re Jane Doe (CICB)</i>	114
<i>Ontario CICB, Guidelines to the Public</i> *	
<i>---, Rules of Procedure</i> *	
<i>Dubber, "Victim Compensation"</i> *	
<i>CICB Member Bios</i> *	

2. Rule of Law, Separation of Powers, and Statutory Interpretation

<i>Roncarelli v. Duplessis</i> , [1959] S.C.R. 121 [opinions by Rand and Cartwright]	123
<i>Leckey, "Roncarelli"</i>	139
<i>Horwitz, "Rule of Law"</i>	153
<i>Altman, "Rule of Law"</i>	159
<i>Fuller, "Rules of Law and Managerial Direction"</i>	168
<i>Ocean Port Hotel Ltd v British Columbia (General Manager, Liquor Control and Licensing Branch)</i> , [2001] 2 S.C.R. 781 (SCC 2001)	174
<i>---, LAB Final Order #L-9619 (July 18, 2002)</i>	184
<i>Willis, "Statutory Interpretation"</i>	186
<i>Llewellyn, "Statutory Construction"</i>	213
<i>Bell ExpressVu Limited Partnership v. Rex</i> , [2002] 2 S.C.R. 559 (excerpt)	225
<i>2747-3174 Québec Inc. v. Québec (Régie des permis d'alcool)</i> , [1996] 3 S.C.R. 919 (excerpt)	229
<i>Interpretation Act, R.S.C. 1985, c. I-21</i> *	

* Available on Blackboard only.

3. Procedural Justice and Duty of Fairness

<i>Nicholson v. Haldimand-Norfolk Regional Board of Commissioners of Police</i> , [1979] 1 S.C.R. 311 (SCC 1979).....	240
<i>Baker v. Canada (Minister of Citizenship and Immigration)</i> , (1995) 101 F.T.R. 110 (FCTD 1995)	252
---, [1999] 2 S.C.R. 817 [¶¶ 1-48].....	258
<i>Batic v. CICB</i> , CICB Order	279
---, [1983] O.J. No. 1910, 1 O.A.C. 68, 22 A.C.W.S. (2d) 487.....	284

4. Bias and Independence

<i>Re Consolidated-Bathurst Packaging Ltd. and International Woodworkers of America, Local 2-69</i> , (1983) 5 CLBRR (NS) 79 (Ontario Labour Relations Board) (Dec. 9, 1983)	285
---, (1985) 51 O.R. (2d) 481 (Ontario Divisional Court).....	293
---, (1986) 56 O.R. (2d) 513 (Ontario Court of Appeal).....	316
---, [1990] 1 S.C.R. 282 (Supreme Court of Canada).....	319
---, [1983] OLRB Rep. September 1411 (original decision, Sept. 30, 1983)*	
<i>Newfoundland Telephone Co. v. Newfoundland (Board of Commissioners of Public Utilities)</i> , [1992] 1 S.C.R. 623.....	347

Table of Contents – Volume 2

5. Deference and Standards of Review

<i>C.U.P.E. v. N.B. Liquor Corporation</i> , [1977] N.B.P.S.L.R.D. No. 7.....	358
---, (1978) 21 N.B.R. (2d) 441 (New Brunswick Court of Appeal)	367
---, [1979] 2 S.C.R. 227	374
<i>Crevier v. Québec (Attorney General)</i> , [1981] 2 S.C.R. 220	382
<i>Mossop v. Canada</i> , (1989) 10 C.H.R.R. D/6064 (Human Rights Tribunal)	389
---, [1991] 1 F.C. 18 (Federal Court of Appeal)	411
---, [1993] 1 S.C.R. 554.....	422
<i>Dunsmuir v. New Brunswick</i> , [2008] 1 S.C.R. 190	462
<i>Ahmed v. Ontario (CICB)</i>	496

6. Statutory Discretion

<i>Shell Canada Products Ltd. v. Vancouver (City)</i> , [1994] 1 S.C.R. 231	500
<i>Baker v. Canada (Minister of Citizenship and Immigration)</i> , [1999] 2 S.C.R. 817 [Pt. D]	523
<i>Suresh v Canada (Minister of Citizenship and Immigration)</i> , [2002] 1 S.C.R. 3	544
“Accused Terrorist's Low-key Life,” National Post, Oct. 29, 2005	571
<i>Khosa v. Canada</i> , [2009] 1 S.C.R. 339	574
<i>C.U.P.E. v. Ontario (Minister of Labour)</i> , [2003] 1 S.C.R. 539	609
<i>Black v. Chretien</i> , [2001] 54 O.R. (3d) 215.....	643

* Available on Blackboard only.

7. Regulatory Rulemaking

Thamotharem v Canada (Minister of Citizenship and Immigration), [2004] R.P.D.D.
No. 613 (Immigration and Refugee Board).....651
---, [2008] 1 F.C.R. 385 (FCA).....655
Cogan v. Ontario (CICB)673
Re Leung and CICB.....678

8. Administering Administrative Law

Criminal Injuries Compensation Board
Pitters v. Ontario (CICB)683
Masakeyash, on behalf of Skunk v. CICB.....692
Dalton v CICB694
Re Skerget and CICB et al697
Re Jane Doe and CICB.....698
Spade v. CICB.....705
Manson v. Ontario (CICB)708
Fregean and CICB.....712
Stone v. Ontario (CICB)714
Re Sheehan and CICB, [1973] 3 O.R. 508 (Ontario Divisional Court).....715
---, (1975) 5 O.R. (2d) 781 (Ontario Court of Appeal).....719

